



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-3501 FAX (603) 271-6683



LETTER OF DEFICIENCY  
WET 2002-09

April 4, 2002

Mr. & Mrs. Donald G. & Kristine A. Filteau  
53 New Boston Rd  
Bedford, NH 03110-6008

RE: DES Wetlands File #2000-00083 53 New Boston Rd, Bedford

Dear Mr. and Ms. Filteau:

On September 12, 2000, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Bedford Tax Map 1 as Lot 59 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

On April 3, 2002, personnel from the Town of Bedford conducted a site visit of the above referenced property and found conditions unchanged.

During the inspection the following deficiencies were documented:

1. Fill, with the approximate dimensions of 120 feet wide by 100 feet long by 10 feet deep, was placed in and adjacent to a stream without a permit from DES. Some of the boulders from the fill had rolled into the stream channel.
2. Silt fence is in failure.
3. There are no erosion control measures at the "new" toe of the slope.
4. Slope of the fill not stabilized in any way.

In response, you are requested to take the following actions

Within 20 days of receipt of this Letter of Deficiency:

- a. Remove the rocks and boulders from the stream channel;
- b. Repair the existing silt fence and add new silt fence at toe of "new" slope; and,
- c. Loam or seed the slope to stabilize the fill.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.


Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Karla S. McManus, Land Resources Specialist  
Wetlands Bureau  
Department of Environmental Services  
6 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Karla or me at (603) 271-2147.

Sincerely,



Mary Ann Tilton  
Senior Enforcement Officer  
Wetlands Bureau

CERTIFIED MAIL/RRR: 7099 3400 0003 0695 3406

cc Rene Pelletier, Manager, Land Resources Management Program  
Gretchen Rule, Administrator, DES Legal Unit  
Bedford Conservation Commission  
Bedford Board of Selectmen  
David Killoy, USACOE